



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Robert Strain, Fire Lieutenant
(PM1188S), Vineland

Examination Appeal

CSC Docket No. 2016-2892

ISSUED: NOV 16 2016 (RE)

Robert Strain appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1188S), Vineland. It is noted that the appellant passed the subject examination with a final score of 84.100 and his name appears as the sixth ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Lieutenant examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process. Each performance was evaluated by two SMEs who currently are a first level supervisor or higher. If the SME scores differed by 1 point, the score was averaged. If they differed by more than 1 point, the SMEs were required to confer with each other until they agreed on a score. Scores were then converted to standardized scores.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 5 for the technical component, a 2 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 3 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the supervision component of the evolving scenario, and for the technical and supervision components of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a fire in a pet store in the middle of a four-store strip mall of lightweight, steel-joist construction built in the 1980s. It is 7:30 AM on a Tuesday in February and the temperature is 33° Fahrenheit with clear skies and a wind blowing from east to west at 8 miles per hour. Upon arrival, it is noticed that smoke is coming from the side A windows of the pet store. The candidate is the commanding officer of the first arriving ladder company and he establishes command. The supervision question indicates that during the overhaul, the

candidate observes his crew laughing and using inappropriate language while overhauling the pet store. The pet store owner is now on the scene and observes this and complains to the candidate. This question asks what should be done at the scene and after returning to the firehouse. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

In regard to the supervision component, the assessors noted that the appellant missed the opportunities to talk with/apologize to the store owner, review any applicable Standard Operating Procedures (SOPs) or Standard Operating Guidelines (SOGs), review the crew's training records, and consider disciplinary actions, and, if needed, provide any necessary firefighter training. On appeal, the appellant argues that he stated that he would follow up with the pet store owner and assure him that the matter was addressed. He also stated that he would document any actions taken.

In reply, the appellant received credit for following-up with the store owner and the actions taken, and for documenting any actions taken. These were separate actions than those listed by the assessors. A review of the appellant's video and related examination materials indicates that the appellant did not take the actions listed by the assessors. He began responding to the supervision question about a quarter of a minute after the two-minute warning, or when there was 1¼ minutes left in the presentation. While on-scene, he addressed the behavior of the firefighters, but he did not talk to the store owner and apologize. Once back at the firehouse, the appellant met with the crew, but he missed all the other actions noted by the assessors. After lecturing the firefighters, he then followed up with the pet store owner and documented that "everything was taken care of." The appellant missed many opportunities to exhibit proper supervisory actions, and his score of 2 for this component is correct.

The arriving scenario involves a report of fire coming from a two-story, wood-frame house built in the 1970s. It is 1:00 PM on a Saturday in June, 92°F, with sunny skies and a wind blowing from the east to the west at 5 mph. The candidate is the officer of the first arriving engine company and the first officer on scene. Upon arrival, the candidate notices smoke coming from the first and second floor windows on side A. Dispatch reports that the caller is an occupant in a second floor bedroom and the caller said she was taking a nap, and when she woke up, her bedroom was filled with smoke. The technical question asked for specific actions to take upon arrival. The supervision question indicated that the candidate notices a rookie firefighter on his crew having trouble raising a ladder. The question asked for actions to take at the scene and after returning to the firehouse. Instructions indicate that, in responding to the questions, the candidate should be as specific as

possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

In regard to the technical component of the arriving scenario, the assessors noted that the appellant failed to assume or establish command, which was a mandatory response. They also indicated that he missed the opportunities to give an initial radio report to dispatch, and to check/perform forcible entry to the front door side A. The used the "flex rule" to assign a score of 3. On appeal, regarding an initial radio report to dispatch, the appellant states that he gave a detailed size-up, including assigning division leaders and providing assignments for arriving units.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

The appellant believes that a size-up is the same response as an initial radio report to dispatch. However, an initial radio report may consist of command identification, a building description and description of conditions (size-up), actions to be taken by incoming units, the command mode, and immediate additional resources needed. In his response, at the start of his presentation, the appellant gave actions he would take while en route to the scene. When on location, the appellant identified himself as the officer of engine 1 and gave orders to his crew. Then he stated, "My size up would be engine 1 arriving on location. It would be a two story occupied wood frame dwelling of type 5 construction. We have smoke showing at Division 2. Receive the reports of victims trapped on Division 2. Engine 1 will be going into service with an inch and three quarter handline." The candidate is the first arriving supervisor on scene and should identify himself as the Incident Commander to dispatch and establish command. The appellant did not take these actions, and he gave orders to other units without establishing command. As establishing command was a mandatory response, the appellant cannot receive a score higher than a 3. The appellant did not check/perform forcible entry to the front door side A as well, and his score for this component is correct.

In regard to the supervision component of the arriving scenario, the assessors noted that the appellant missed the opportunities to review the rookie firefighter's training records, to review any applicable SOPs and SOGs on raising ladders, and, after the incident, have the firefighter demonstrate raising the ladder. On appeal, the appellant states that he would conduct platoon/company level training, complete documentation for all members, and evaluate training progress.

In reply, the actions listed by the appellant on appeal are not the same as those listed by the assessors. A review of the appellant's video and related examination materials indicates that he received credit for providing necessary training, documenting any action taken, and following up with the firefighter after a period of time. However, he did not take the actions listed by the assessors. Having the firefighter demonstrate raising the ladder after the incident is not the same as evaluating training progress, as it is to determine the firefighter's initial abilities, not to assess his progress after training. The appellant's supervisory actions were acceptable, but not more than acceptable, and his score of 3 for this component is correct.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 10th DAY OF NOVEMBER, 2016


Robert M. Czech
Chairperson
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and
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